

Message

From: Jones, Enesta [Jones.Enesta@epa.gov]
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To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips, 7/6/18

Andrew Wheeler

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Bloomberg Environment: Pruitt Tries to Bulletproof Waters Rule Repeal Before Exit

Sources: EPA blocks warnings on cancer-causing chemical

Burying the formaldehyde study is part of an effort by Pruitt and aides to undermine EPA's research program, current and former officials tell POLITICO.

<https://www.politico.com/story/2018/07/06/epa-formaldehyde-warnings-blocked-696628>

ANNIE SNIDER 07/06/2018 05:07 AM EDT

The Trump administration is suppressing an Environmental Protection Agency report that warns that most Americans inhale enough formaldehyde vapor in the course of daily life to put them at risk of developing leukemia and other ailments, a current and a former agency official told POLITICO.

The warnings are contained in a draft health assessment EPA scientists completed just before Donald Trump became president, according to the officials. They said top advisers to departing Administrator Scott Pruitt are delaying its release as part of a campaign to undermine the agency's independent research into the health risks of toxic chemicals.

Andrew Wheeler, the No. 2 official at EPA who will be the agency's new acting chief as of Monday, also has a history with the chemical. He was staff director for the Senate Environment and Public Works Committee in 2004, when his boss, then-Chairman Jim Inhofe (R-Okla.), sought to delay an earlier iteration of the formaldehyde assessment.

Formaldehyde is one of the most commonly used chemicals in the country. Americans are exposed to it through wood composites in cabinets and furniture, as well as air pollution from major refineries. The new assessment would give greater weight to warnings about the chemical's risks and could lead to stricter regulations from the EPA or class-action lawsuits targeting its manufacturers, as frequently occurs after these types of studies are released.

"They're stonewalling every step of the way," the current official said, accusing political appointees of interfering with the formaldehyde assessment and other reports on toxic chemicals produced by EPA's Integrated Risk Information System. Industry has long faulted the IRIS program, the agency's only independent scientific division evaluating the health risks of toxic chemicals, whose assessments often form the basis for federal and state regulations.

The current official and former official requested anonymity out of fear for their jobs and the impact that speaking out could have on the IRIS program.

Interfering with the formaldehyde study is one of several steps Trump's EPA has taken to side with the businesses the agency is supposed to regulate and undermine the agency's approach to science, critics say. Public health advocates also expressed alarm after Pruitt replaced academic scientists with industry advocates on the agency's influential science advisory boards and sought to limit the types of human health research the EPA can rely on in rulemakings.

The officials said Trump appointees have required that career officials receive their permission before

beginning the required internal review of the formaldehyde study and have canceled key briefings that would have advanced it. That interference came after EPA career scientists revised the study once already last year to insulate it from political controversy, they said.

In a statement, EPA denied that the assessment was being held back.

“EPA continues to discuss this assessment with our agency program partners and have no further updates to provide at this time,” EPA spokeswoman Kelsi Daniell said. “Assessments of this type are often the result of needs for particular rulemakings and undergo an extensive intra-agency and interagency process.”

But as long ago as January, Pruitt told a Senate panel that he believed the draft assessment was complete.

Five months later, it has yet to see the light of day. Meanwhile, internal documents show, a trade group representing businesses that could face new regulations and lawsuits if the study were released had frequent access to top EPA officials and pressed them to either keep it under wraps or change its findings.

“As stated in our meeting, a premature release of a draft assessment ... will cause irreparable harm to the companies represented by the Panel and to the many companies and jobs that depend on the broad use of the chemical,” Kimberly Wise White, who leads the American Chemistry Council’s Formaldehyde Panel, wrote in a Jan. 26 letter to top officials at the EPA. The panel represents companies including Exxon Mobil and the Koch Industries subsidiary Georgia-Pacific Chemicals LLC that could face higher costs from stricter regulations or lawsuits.

Nearly a million jobs “depend on the use of formaldehyde,” White’s letter argued.

The holdup is attracting attention on Capitol Hill, where Democrats have already expressed alarm, arguing that the Trump administration has allowed politics to interfere in EPA’s scientific assessments of threats such as toxic pollution and climate change.

The agency must “move past politics and focus on its job of protecting human health” by releasing the formaldehyde study, Sen. Ed Markey (D-Mass.) said in a statement to POLITICO.

“Because formaldehyde can be found in everything from wood products to women’s hair straighteners, the public health risks are substantial,” Markey said. “Delaying the EPA’s latest assessment of the health risks of formaldehyde only further endangers the health of Americans.”

Public health advocates have similarly expressed fears that the Trump administration has allowed EPA to be captured by the industries it regulates. The revelations about the formaldehyde study come after Pruitt removed academic scientists from the agency’s influential science advisory boards and in many cases replaced them with industry advocates, and after he proposed a policy to limit the agency's use of human health data while offering a carve-out for confidential industry studies.

“At every corner, you see the agency trying to either minimize the role of science or manipulate the role of science or just ignore the work of scientists in doing the critical work to ensure that human health and the environment is protected,” said Jennifer McPartland, a senior scientist with the Environmental Defense Fund’s health program.

POLITICO also reported in May that Trump administration officials, including EPA chief of staff Ryan Jackson, sought to delay an HHS study finding that nonstick chemicals pose health dangers at a lower level than EPA has said is safe.

Insiders anticipate few major policy changes under Wheeler, who is widely expected to continue Pruitt's deregulatory agenda and is well-versed in chemicals issues. He began his career in EPA's chemical safety

office, and after leaving Inhofe's staff lobbied for a refrigerants manufacturer that was recently acquired by one of the country's major chemical manufacturers, Chemours Co., a DuPont spinoff.

Decades' of research has linked formaldehyde to nose and throat cancer and respiratory problems, and newer research has suggested the connection to leukemia — controversial conclusions that would gain significant credence if EPA formally adopts them. The new assessment affirms those links to leukemia, nose and throat cancer and other ailments, according to the current and former officials familiar with its findings.

The new assessment could lead the EPA to impose stricter regulations of chemicals refineries or wood products and could spur class-action lawsuits from cancer patients attempting to hold companies responsible for their illnesses.

The agency officials said the political aides blocking the assessment include Jackson and Richard Yamada, a former staffer for House Science Chairman Lamar Smith (R-Texas) who is now a top official in EPA's Office of Research and Development. And they said Nancy Beck, who criticized the IRIS program in her previous job as a top chemical industry expert, is now helping to stymie the program's assessments in her new post as head of EPA's chemical safety office. Jackson, Yamada and Beck did not respond to requests for comment.

The EPA spokeswoman disputed the accusations and said Yamada and Jackson have, in fact, requested briefings on the assessment.

The current EPA official told POLITICO that political appointees have managed to avoid creating written evidence of their interference with the formaldehyde assessment by refusing to send emails or create other records that eventually could become public, instead using what the official described as "a children's game of telephone."

By blocking the report at the first step of the IRIS review process, political appointees are keeping it from being reviewed by the National Academies of Sciences, an independent panel of the country's top scientists that must weigh in on all such risk assessments. EPA has already paid the academies \$500,000 for that review, the highest level of scrutiny a scientific study can receive, but the work cannot start until Pruitt's aides send the study.

"If the administration was really keen on protecting public health, why wouldn't they send this to the National Academy and give it a really good review?" the former EPA official asked. "If it survives that review, then there's a public health problem that needs to be dealt with, and if it doesn't survive the review, then they can point the finger at IRIS and say, 'You're dead.'"

The former official said there would be only one reason not to ask the country's top experts whether they agree with the analysis: "You don't want the answer."

Public health advocates say the administration's attacks on science have had especially significant implications for the IRIS program. The small office of about 35 experts pores over the huge body of existing research on chemicals, including industry-backed studies aimed at proving the substances safe, to independently assess their risks. While purely scientific, the program's reviews are looked to by regulators not just at EPA, but also in the states and around the world, often paving the way for new or more stringent regulations.

But industry has long targeted the program, arguing it uses an opaque process to decide which studies to rely on and which research to give credence to when findings conflict.

The American Chemistry Council, Beck's former employer, spent more than \$7 million last year lobbying EPA and Congress on issues including IRIS, formaldehyde and the policy to limit EPA's use of human health research. Chemicals manufacturers, including Hexion, one of the country's largest manufacturers of

formaldehyde, have also spent tens of thousands of dollars on lobbying related to the program this year. A National Academies panel agreed with some of industry's criticisms of the IRIS program in a blistering review of an earlier iteration of the formaldehyde assessment that recommended major changes to how IRIS decides how much weight to give conflicting studies, although it did not attack the substance of its findings about the health effects of formaldehyde. Critics of the IRIS program have pointed to that review frequently as they have sought to kill it, including in an appropriations battle this spring. The EPA spokeswoman also pointed to that assessment in her statement. "The National Academy of Science and Congress in legislative reports have for years been highly critical of EPA's previous assessments involving formaldehyde," she said.

But the EPA has overhauled the program since then, hiring a new director for IRIS and a new head of the National Center for Environmental Assessment, in which it is housed. The changes have received high marks from the National Academies in two more recent reviews, one in 2014 and one this past April. The latest formaldehyde assessment is expected to demonstrate further progress implementing the academies' recommendations, potentially undermining industry critiques of the overall IRIS program if it were to be released.

Although efforts to kill EPA's independent scientific arbiter have so far failed, EPA officials and public health advocates say the program has been significantly hobbled under an administration with close ties to the chemicals industry.

White, the top staffer for the American Chemistry Council's Formaldehyde Panel, wrote the EPA three times between September 2017 and January 2018, urging the agency to incorporate industry-funded research that found no link between formaldehyde and leukemia, and arguing that the studies shifted the scientific consensus away from the conclusion that it does. In November, Pruitt appointed her to the agency's influential Science Advisory Board.

Less than a week after the council's Jan. 24 meeting with EPA, Pruitt himself confirmed that the report had been complete for months. During a Senate hearing at the end of January, Markey asked Pruitt for an update on the formaldehyde assessment, saying it was his understanding "that the EPA has finalized its conclusion that formaldehyde causes leukemia and other cancers and that [the] completed new assessment is ready to be released for public review, but is being held up."

"You know, my understanding is similar to yours," Pruitt replied, promising to follow up.

Markey reminded Pruitt of the exchange in a May 17 letter. In a response Thursday, the agency's principal deputy assistant administrator for science, Jennifer Orme-Zavaleta, said EPA "continues to discuss the formaldehyde assessment internally and has no further updates to provide at this time."

Scott Pruitt's likely successor has long lobbying history on issues before the EPA

https://www.washingtonpost.com/business/economy/epas-acting-administrator-has-long-lobbying-record-on-issues-before-the-agency/2018/07/05/a591cd40-6a6b-11e8-bea7-c8eb28bc52b1_story.html

By Steven Mufson

7/5, 10:07 p.m.

Andrew Wheeler, until now the low-profile deputy administrator at the Environmental Protection Agency, became a likely successor to the scandal-plagued Scott Pruitt Thursday and an appealing alternative for those hoping to continue to roll back key EPA policies.

Wheeler spent a decade lobbying for just the sort of companies the agency regulates, and before that he worked for Sen. James M. Inhofe (R-Okla.), who rejects climate change. Drawing on more than a quarter-century in Washington, Wheeler is expected to pick up where the departing Pruitt left off — only without the controversy that constantly plagued him.

Even if Wheeler ends up recusing himself from specific EPA decisions, his record as a lobbyist suggests his views might not differ much from those of President Trump. At the firm Faegre Baker Daniels Consulting, Wheeler represented energy companies, mining companies and a mixture of others with issues ranging from food to salvaging automobiles. Among his professional activities, he once listed his post as vice president of the Washington Coal Club.

“I have no doubt that Andy will continue on with our great and lasting EPA agenda,” Trump tweeted as he announced that he had accepted Pruitt’s resignation. “We have made tremendous progress and the future of the EPA is very bright!”

The Senate confirmed Wheeler for the deputy slot in April by a 53-to-45 vote. It would need to confirm him again for the top position were he nominated by Trump.

“There is every reason to expect that he will pursue just as vigorously all the regulatory policies and initiatives in progress that were initiated by Pruitt,” said Joseph Goffman, executive director of Harvard Law School’s environmental law program.

Pruitt had moved to Washington as an outsider and EPA antagonist following a stint as Oklahoma attorney general. By contrast, Wheeler knows Washington well and even has experience within the agency, where he served four years during the George H.W. Bush and Clinton administrations. His combined experience might make him more effective, especially if he isn’t distracted by the type of investigations that dogged Pruitt.

The acting administrator sent an email to EPA employees after news broke about Pruitt. “I am both humbled and honored to take on this new responsibility at the same agency where I started my career over 25 years ago,” he said. “I look forward to working hard alongside all of you to continue our collective goal of protecting public health and the environment on behalf of the American people.”

But environmental groups vowed to fight him as much as they have the outgoing chief.

“Andrew Wheeler is equally unqualified to serve as the nation’s chief environmental steward,” Ana Unruh Cohen, managing director for government affairs at the Natural Resources Defense Council, said in a statement. “This veteran coal lobbyist has shown only disdain for the EPA’s vital mission to protect Americans’ health and our environment.”

While a lobbyist, Wheeler’s best-paying client was Murray Energy. The coal-mining company paid his firm \$300,000 or more annually from 2009 through 2017, according to records from the Center for Responsive Politics.

Wheeler arranged and attended a March 28, 2017, meeting between chief executive Robert E. Murray and Energy Secretary Rick Perry. Murray, who had contributed heavily to the Trump campaign, laid out a four-page plan for rolling back regulations and protecting coal plants in danger of closing because of competition from other fuel supplies.

The Trump administration has already taken steps to address most of the issues on Murray’s list. The president recently ordered the Energy Department invoke Cold War era energy emergency powers to take actions that would prevent the closure of coal and nuclear power plants for at least two years, which is what Murray has been seeking.

On Capitol Hill, Wheeler not only worked for Inhofe but as staff director and chief counsel to the Senate Environment and Public Works Committee, where he worked to defeat climate-related legislation that came before lawmakers.

He supported efforts to exempt industrial plants from pollution controls in the aftermath of Hurricanes Katrina and Rita and limit their liability for harm caused by the release of toxic chemicals. He favored the elimination of the New Source Review permitting process that is an important part of environmental legislation.

As a lobbyist, Wheeler commented on a 2010 National Journal blog post that the Intergovernmental Panel on Climate Change “has functioned more as a political body than a scientific body” and that the group should revisit its 2009 finding that carbon-dioxide emissions posed a threat to public health.

He also suggested that lawmakers back a proposal by Sen. Lisa Murkowski (R-Alaska) to overturn the endangerment finding. In 2007, the Supreme Court ruled that the Clean Air Act required EPA to come up with a plan to curb emissions of greenhouse gases. Wheeler said overturning the court decision would “allow legislators to craft sensible energy policy

that can promote energy independence without killing our domestic production of fossil fuels.”

“Wheeler is viewed generally as a sort of standard-issue member of the Washington D.C. policy and lobbying ecosystem,” said Goffman, a Democrat who worked at EPA and opposite Wheeler on the Senate energy committee.

“If the concern, though, is policy and public health protection and the way EPA functions, then I think Andy Wheeler can be counted on, unfortunately, to carry out exactly the same policies and reflect exactly the same ideology as Pruitt,” Goffman continued. “He is a member of the very same coalition Pruitt has been representing.”

According to Goffman, Wheeler does not need to recuse himself from most agency decisions. Goffman said that the EPA ethics office takes a narrow view of conflicts of interest.

“Policy or program-level decisions of general impact are not subject to recusal requirements even if Wheeler advocated for specific outcomes with respect to such policies or rules when in private practice,” Goffman said. “Notwithstanding that, common sense would make you think that he brings an ideological or private-practice-engendered predisposition or prejudice on those policies.”

Wheeler also represented Energy Fuels Resources, a uranium mining firm that could benefit from Trump’s December announcement to halve the size of the Bears Ears National Monument. He was lobbying the administration about the issue nearly nine months before the announcement.

In May 2017, Energy Fuels wrote a letter asking the administration to change the monument’s boundaries because of “many other known uranium and vanadium deposits” that “could provide valuable energy and mineral resources in the future.”

Another former Wheeler client, the Minneapolis-based utility Xcel, has fought an EPA regulation that would require coal plants built between 1962 and 1977 to upgrade their facilities with scrubbers to meet sulfur dioxide emissions standards. Installing scrubbers could be costly for Xcel. One of its coal units in Amarillo, Tex., dates back to 1976.

The Bear Head LNG Corp. also paid Wheeler’s firm at least \$10,000 last year. The company, a subsidiary of LNG, wants to export liquefied natural gas from Nova Scotia, and it needed Energy Department approval to export natural gas produced in the United States.

In 2010, a group called the Parent South Coast Air Quality Management District paid Wheeler’s firm \$250,000 to help in its battle against an EPA regulation that would limit ozone emissions. Since ozone is a pollutant that affects people in immediate areas, the regulation would force companies within a certain zone to cut emissions.

Although the group hadn’t engaged Wheeler in recent years, it has continued fighting the EPA in court. It lost in a Feb. 16 decision written by Judge David B. Sentelle of the U.S. Court of Appeals for the District of Columbia.

Another client, Darling Ingredients, paid Wheeler’s firm \$420,000 over the past three years. The company has a stake in reforms of the complicated Renewable Fuel Standard and the tax credit for companies that blend ethanol with gasoline. The Irving, Tex.-based company also agreed in 2016 to settle allegations of Clean Water Act violations at four facilities used to store petroleum fuels, vegetable oils and animal fats for just \$99,000. In 2014, the company paid a \$1.1 million penalty to EPA.

Wheeler also represented Whirlpool, Sargento Foods, Underwriters Laboratories, the Nuclear Energy Institute, the Coalition for Domestic Medical Isotope Supply and Insurance Auto Auctions, which deals in large numbers of salvaged cars.

Murray Energy was his steadiest client, however. In 2014, Murray joined the fight against the Obama administration’s landmark rule limiting mercury and other toxic emissions from coal- and oil-fired power plants.

In an amicus brief in support of states and industry groups, the company told the Supreme Court that the rule undermined state and local efforts to provide affordable and reliable electricity. Two years later, it sued to block EPA from regulating mercury from power plants under the Clean Air Act.

Its chief executive, who said he has not had any contact with Wheeler since he became deputy administrator, wrote in an email Thursday that “Scott Pruitt was an exceptional Administrator of the U.S. EPA in overturning the illegal actions of the Obama Administration. It is a tragedy for America to lose such a qualified Administrator.”

Sen. Edward J. Markey (D-Mass.), a member of the Environment and Public Works Committee, said in a statement that “elevating former coal lobbyist Andrew Wheeler to head the EPA is only trading one fossil fuel friend for another.”

Yet many Republicans will find that Wheeler’s track record makes him the sort of EPA leader they want.

"Andrew Wheeler is the perfect choice to serve as Acting Administrator," Inhofe said in a statement Thursday. "Andrew worked for me for 14 years, has an impeccable reputation and has the experience to be a strong leader at the EPA. I have no doubt and complete confidence he will continue the important deregulatory work that Scott Pruitt started while being a good steward of the environment."

Correction: An earlier version of this post incorrectly reported that Energy Fuels Resources lobbied the administration on the Grand Staircase-Escalante National Monument.

New leader at EPA is former coal lobbyist, Senate staffer

<https://www.sfgate.com/news/politics/amp/New-leader-at-EPA-is-former-coal-lobbyist-Senate-13052162.php>

By MATTHEW DALY, Associated Press | on July 5, 2018

WASHINGTON (AP) — The new leader of the Environmental Protection Agency is a former coal industry lobbyist who helped lead an industry fight against regulations that protect Americans' health and address climate change.

Andrew Wheeler, the No. 2 official at EPA, will take over the agency Monday now that President Donald Trump has accepted the resignation of embattled administrator Scott Pruitt.

The Senate confirmed Wheeler as the agency's deputy administrator in April.

Trump tweeted that he has "no doubt that Andy will continue on with our great and lasting EPA agenda. We have made tremendous progress and the future of the EPA is very bright!"

The head of the Environmental Protection Agency, Scott Pruitt, was confronted inside of a Washington, D.C. restaurant by a teacher holding her son in the latest instance of a public confrontation involving a member of President Trump's cabinet, accor Media: Fox5DC

Wheeler, 53, could serve more than a year in an acting role. A Senate vote would be required if he is nominated to lead the agency permanently.

Republicans say Wheeler is well-qualified to lead the EPA, having worked at the agency early in his career. He also was a top aide at the Senate Environment Committee before becoming a lobbyist nine years ago.

Democrats and environmental groups decried Wheeler as a coal apologist and former top aide to a GOP senator who rejects mainstream climate science.

"Andrew Wheeler's coal credentials are without equal. He is, without question, a member of the coal industry's Hall of Fame," said Sen. Edward Markey, D-Mass. By elevating Wheeler to replace Pruitt, he said, "the EPA is only trading one fossil fuel friend for another."

Like Pruitt, Wheeler is a conservative who will seek to roll back rules governing clean air and water and fighting against climate change.

But unlike Pruitt, Wheeler is considered low-key and is a Washington insider who has spent much of his career in the nation's capital.

Pruitt, a former Oklahoma attorney general, is often aligned with the oil and gas industry, while Wheeler has focused more on coal since becoming a lobbyist a decade ago.

An Ohio native, Wheeler served as a special assistant in the EPA's Pollution Prevention and Toxics office in the early 1990s before moving over to the Senate environment panel, where he eventually became GOP staff director under Sen. Jim Inhofe, R-Okla., the panel's former chairman and a political mentor to both Pruitt and Wheeler.

Inhofe, who dismisses global warming as a hoax and famously tossed a snowball on the Senate floor to prove his point, hailed Wheeler's ascension to EPA chief. "Andrew worked for me for 14 years, has an impeccable reputation and has the experience to be a strong leader at the EPA," Inhofe said.

Until his nomination by Trump last fall, Wheeler worked as a lobbyist with a client list that included Murray Energy, one of the nation's largest coal mining companies. He accompanied Murray CEO Bob Murray during a series of closed-door meetings to lobby the Trump administration to kill environmental regulations affecting coal mines.

Senators asked Wheeler about the Murray meeting during his confirmation hearing. Wheeler acknowledged he attended but said he couldn't remember any details.

Markey vowed to fight against Wheeler and said, "The future of our public lands, our waterways and oceans and the very health of the entire planet rest on the continued action of all Americans to take back the EPA from Big Oil and King Coal."

Wheeler was confirmed, 53-45, despite opposition from Markey and other Democrats. Three moderate Democrats — Heidi Heitkamp of North Dakota, Joe Donnelly of Indiana and Joe Manchin of West Virginia — joined with Republicans to

support Wheeler in April. All three face tough re-elections in states Trump won easily last fall.

Sen. Tom Udall, D-N.M., called Wheeler a "climate denier" who "has spent much of his political career lobbying for the big polluters EPA regulates."

Widespread disgust for Pruitt "should serve as a blaring red siren for the Trump administration," Udall said. "Americans will not tolerate another EPA administrator whose primary goal is to fight the core mission of the EPA."

Wyoming Sen. John Barrasso, who chairs the Senate environment panel, said that during Pruitt's tenure, the EPA "has rolled back punishing regulations that were hurting American workers and stifling our economy."

As acting EPA head, "Andrew Wheeler is well prepared to continue the progress already made under President Trump," Barrasso added.

Ex-Coal and Energy Lobbyist Named Acting EPA Chief

Andrew Wheeler's elevation from deputy administrator isn't likely to bring big policy changes

<https://www.wsj.com/articles/ex-coal-and-energy-lobbyist-named-acting-epa-chief-1530827214>

Rebecca Ballhaus Updated July 5, 2018 7:17 p.m. ET

WASHINGTON—The new acting administrator of the Environmental Protection Agency is a former coal and energy lobbyist who has expressed skepticism about the human impact on climate change.

President Donald Trump on Thursday named EPA deputy chief Andrew Wheeler to temporarily lead the agency after accepting the resignation of Scott Pruitt, who left amid a series of allegations over ethics and spending.

"I have no doubt that Andy will continue on with our great and lasting EPA agenda," Mr. Trump tweeted. "We have made tremendous progress and the future of the EPA is very bright!"

Mr. Wheeler's elevation from deputy administrator, which was criticized by environmental groups, isn't likely to bring big changes in policy at the EPA. Mr. Pruitt sought to roll back a number of Obama administration-era regulations, including water and air rules that affect energy producers, farmers and auto makers, among many others.

Republicans have said Mr. Wheeler was well qualified and noted that he had the support of business groups, which pointed to his work for more than a decade on environmental and natural-resources policy on Capitol Hill. Three Democrats joined the Republicans in voting for his confirmation to the deputy post in April.

Mr. Pruitt also worked to reduce the agency's oversight powers, including removing its ability to block permits issued to mining, real estate and other developers to dump waste into waterways.

Federal lobbying records show Mr. Wheeler has represented energy companies including Xcel Energy Inc., Energy Fuels Resources Inc. and Murray Energy Corp., a coal producer that waged many legal battles against the EPA under former President Barack Obama. The company's CEO, Bob Murray, was a top backer of Mr. Trump during the 2016 election.

Mr. Wheeler filed his last lobbying disclosures in the summer of 2017, about two months before he was appointed deputy EPA administrator. Among the government entities Mr. Wheeler lobbied: the EPA.

Previously, Mr. Wheeler served as a top adviser to Sen. James Inhofe (R., Okla.), who then headed the Senate Environment and Public Works Committee. In that role, Mr. Wheeler worked on energy legislation and Clean Air Act issues.

He was also a civil-service employee at the EPA, where he served as a special assistant in the Pollution Prevention and Toxics office, according to his biography on the agency's website.

Mr. Wheeler was confirmed to his post by a vote of 53-45. Environmental groups and many Democrats had criticized the nomination, pointing to Mr. Wheeler's lobbying for the coal industry and, in particular, his work for Murray Energy.

Mr. Wheeler had been co-leader of the energy and natural-resources practice at the Faegre Baker Daniels law firm since 2009. Before that he spent six years in different roles on the Environment and Public Works Committee.

Mr. Wheeler is one of a handful of potential or current Trump administration officials with connections to Mr. Inhofe,

Washington's most outspoken skeptic of the scientific consensus that human activity is a driving cause of climate change. Mr. Inhofe once threw a snowball on the Senate floor to illustrate his skepticism about climate change. Mr. Wheeler, asked at his confirmation hearing about the relationship between human activity and temperature changes on the planet, said: "I believe man has an impact on the climate but what is not completely understood is what the impact is."

Environmental groups on Thursday criticized Mr. Wheeler's elevation.

"Andrew Wheeler is equally unqualified to serve as the nation's chief environmental steward," Ana Unruh Cohen, managing director for government affairs at the Natural Resources Defense Council, said in a statement. "Like Pruitt, this veteran coal lobbyist has shown only disdain for the EPA's vital mission to protect Americans' health and our environment. Make no mistake: We'll fight Wheeler's pollution agenda with the same vigor as we did Pruitt's."

Mr. Wheeler will take over an embattled EPA that has seen an exodus of staffers in recent months amid allegations about Mr. Pruitt's ethics, including his travel practices and security costs, personnel moves at the agency, claims about his use of subordinates' time to complete personal errands for him as well as to seek business opportunities for his wife, including as a Chick-fil-A franchisee. He also drew scrutiny after he obtained rental housing connected to a Washington lobbyist.

How Andrew Wheeler, the New Acting E.P.A. Chief, Differs From Scott Pruitt

<https://mobile.nytimes.com/2018/07/05/climate/wheeler-epa-pruitt.html?action=click&module=Top%20Stories&pgtype=Homepage>

By Coral Davenport July 5, 2018

WASHINGTON — The departure of Scott Pruitt, the scandal-plagued former head of the Environmental Protection Agency, means that the agency will be led in the coming months by Mr. Pruitt's deputy, Andrew Wheeler, a former coal lobbyist who shares Mr. Pruitt's zeal to undo environmental regulations.

But unlike Mr. Pruitt — who had come to Washington as an outsider and aspiring politician, only to get caught up in a swirl of controversy over his costly first-class travel and security spending — Mr. Wheeler is viewed as a consummate Washington insider who avoids the limelight and has spent years effectively navigating the rules.

For that reason, Mr. Wheeler's friends and critics alike say, he could ultimately prove to be more adept than his controversial former boss in the job.

"Many worry Wheeler will be more effective at implementing Trump's anti-environmental agenda than Pruitt was," said Paul Bledsoe, a former Clinton White House climate adviser, in the wake of the departure.

On Thursday afternoon, President Trump tweeted that he had accepted Mr. Pruitt's resignation and that Mr. Wheeler would take over as acting director of the agency. Mr. Wheeler is expected to serve in an acting capacity as head of the E.P.A. until President Trump nominates a new agency chief, who must then be confirmed by the Senate. That process could take months and potentially stretch past the November midterm elections.

It is possible that Mr. Trump could nominate Mr. Wheeler to the top job. However, several other names have also been mentioned as possible successors to Mr. Pruitt, including Donald Van der Vaart, a former senior environmental official in North Carolina. Mr. Pruitt selected him to serve on an E.P.A. scientific advisory board.

In a June interview with the Washington Examiner, Mr. Wheeler said he had no interest in taking over his boss's job. "I could have put my hat in the ring for the administrator. I wasn't interested in that. I am still not interested in that," he

said.

Mr. Wheeler will now step in as the acting chief of an agency that has been central to President Trump's signature campaign promise of stripping away regulations.

During Mr. Pruitt's tenure, the former Oklahoma attorney general gained headlines for his aggressive push to roll back dozens of regulations governing clean air and water, and fighting against Obama-era rules focused on limiting carbon emissions. In recent months, however, Mr. Pruitt's policy efforts were overshadowed by a running stream of alleged ethics violations.

Mr. Wheeler tends to eschew the limelight, his colleagues said. His career was built around quietly and incrementally advancing the interests of the fossil-fuel industry, chiefly by weakening or delaying federal regulations.

Mr. Wheeler has worked in Washington for more than 20 years. He is a former chief of staff to Oklahoma Senator James Inhofe, the conservative Republican who has become known as Washington's most prominent denialist of the established science of human-caused climate change.

Mr. Wheeler, left, with Mr. Pruitt, during his swearing-in as deputy administrator in April. Mr. Wheeler had recently been a lobbyist for the coal company Murray Energy. U.S. Environmental Protection Agency

Mr. Wheeler also worked at the E.P.A. during the administration of the first President George Bush. More recently, he lobbied for the coal company Murray Energy, whose chief executive, Robert E. Murray, has been a supporter and adviser of Mr. Trump's.

Environmentalists see in Mr. Wheeler a powerful ally of polluting industries and enemy of clean air and water. "Like Pruitt, this veteran coal lobby lobbyist has shown only disdain for the E.P.A.'s vital mission to protect Americans' health and our environment," said Ana Unruh Cohen, managing director for government affairs at the Natural Resources Defense Council, an advocacy group.

Mr. Wheeler has appeared to embrace criticism from the left that he is an ally of fossil fuels, according to email exchanges obtained by the Sierra Club under a Freedom of Information Act request. Last October, soon after Mr. Wheeler was nominated to his position as deputy director, he sent an email to Mr. Pruitt's chief of staff, Ryan Jackson, a longtime friend, with a headline from The Onion, the satirical publication: "EPA Promotes Pulsating Black Sludge to Deputy Director."

"Welcome, pulsating black sludge," Mr. Jackson responded. "I guess I'm going to have to get the cleaning crews to come in more often."

Washington insiders describe Mr. Wheeler as well positioned to pursue Mr. Trump's agenda as effectively as Mr. Pruitt, or even more so, by moving more slowly but in ways likelier to withstand legal challenge.

"Andrew is one of the most well-known, well-respected policy professionals in Washington on energy and environment — he knows everybody," said Matthew Dempsey, a former colleague of Mr. Wheeler's in Mr. Inhofe's office, who currently works for a consulting firm representing the oil and gas industry.

"He will be similar to Pruitt in terms of the agenda — he understands the Trump administration and will carry out the agenda," said Mr. Dempsey. "But he's been around Washington a long time. He knows how D.C. works and he does things by the book."

The departure of Mr. Pruitt, a former protégé of Mr. Inhofe's, and rise of Mr. Wheeler represents the powerful influence of Mr. Inhofe on the Trump administration's environment policy. Mr. Inhofe had long championed Mr. Pruitt's political career, and it was speculated that Mr. Pruitt would one day run for Mr. Inhofe's Senate seat in Oklahoma.

Mr. Wheeler is one of a group of former Inhofe staff members, loosely known as the "Inhofe mafia," who now work in

energy and environment policy positions across the Trump administration and in top Washington lobbying firms.

Mr. Inhofe cheered Mr. Wheeler's arrival at the E.P.A. earlier this year. "Andy Wheeler is the most competent and qualified person for the job he's been asked to fulfill," Mr. Inhofe said.

Mr. Wheeler's rise also represents a victory of influence for another of his former bosses, the coal magnate and Trump adviser Robert Murray.

A few weeks after Mr. Trump's inauguration, Mr. Murray, who contributed \$300,000 to Mr. Trump's inauguration fund, presented the president with a wish list of regulations that he wanted to see lifted from the coal industry. In particular, Mr. Murray has pushed Mr. Trump to undo President Barack Obama's regulations designed to curb planet-warming pollution from coal-fired power plants, a leading cause of global warming. Mr. Trump then assigned Mr. Pruitt to roll back those rules.

Like Mr. Trump, Mr. Inhofe and Mr. Pruitt, Mr. Wheeler has questioned the established science of human-caused climate change. In 2010, Mr. Wheeler criticized the United Nations Intergovernmental Panel on Climate Change, the world's leading scientific authority on global warming, writing in a blog post that it has "has functioned more as a political body than a scientific body."

However, some Democrats have offered at least modest praise of Mr. Wheeler — as he himself noted in another email exchange with Mr. Jackson.

After his November confirmation hearing, Mr. Wheeler emailed Mr. Jackson. "Everyone seemed to think I did a really good job, including Inhofe, Capito and Mr. Murray. Carper and Cardin both said really nice things about me," he wrote. He was apparently referring to Democratic Senators Thomas Carper of Delaware and Ben Cardin of Maryland, both of whom are advocates of strong environmental regulations, and Senator Shelley Moore Capito, the Republican from West Virginia, who is one of Washington's strongest advocates for the coal industry.

In a statement at Mr. Wheeler's confirmation hearing, Mr. Carper said, "As a longtime staffer for the senior senator from Oklahoma, Mr. Wheeler was someone with whom we didn't always agree on each and every policy, but he did prove to be one with whom we were able to work together on policies that we did agree on." However, Mr. Carper did eventually vote against Mr. Wheeler's confirmation to his position as deputy.

While it is likely that Mr. Wheeler, as the acting E.P.A. chief, will be effective in implementing Mr. Trump's deregulatory agenda, one potential obstacle to his being nominated by the president to fill the job permanently is his record of opposing Mr. Trump during the presidential campaign. In a Facebook post on February 29, 2016, Mr. Wheeler penned a strong critique of Mr. Trump that has since been deleted.

"If you are considering voting for Donald Trump please think about the following: 1) no one really knows what his political beliefs are, he has donated to both parties over the years and to people with completely different views. 2) he has demonstrated through the debates and interviews that he doesn't understand how government works," he wrote. Mr. Wheeler's post also suggested that, as a businessman, Mr. Trump "really hasn't been that successful."

Neither Mr. Wheeler nor two White House spokesmen responded to requests for comment about the Facebook post.

Former Coal Lobbyist Takes Over EPA From Embattled Chief Pruitt

<https://www.bloomberg.com/amp/news/articles/2018-07-05/former-coal-lobbyist-takes-over-epa-from-embattled-chief-pruitt>

[Jennifer A Dlouhy](#) July 5, 2018, 5:50 PM EDT

The new head of the EPA is a former Senate staffer who has worked behind the scenes to quash climate change legislation and promote coal.

Andrew Wheeler, 53, now the Environmental Protection Agency's No. 2 official, will take over Monday as acting administrator following the resignation of Scott Pruitt. Wheeler could bring a quiet effectiveness to the top job that some environmentalists say they fear will make him a more formidable foe than Pruitt.

"There is no time for celebration. We need to keep up our intense vigilance because the Trump administration's anti-environmental, anti-public health deregulatory agenda continues," said Tom Pelton with the Environmental Integrity Project. Wheeler, he said, "has a background just as biased toward industry as Scott Pruitt, so we and other environmental advocates are going to have to watch Wheeler just as closely as we did his former boss." Wheeler has wedded himself to President Donald Trump and Pruitt's environmental agenda -- which has won him the backing of industry. And in a June 27 interview, Wheeler said he's proud of his lobbying past. Although he says being called a "coal lobbyist," isn't derogatory, it irritates him because his advocacy on energy and environmental issues was broader than any single issue.

Wheeler said his priorities at the EPA include boosting certainty around environmental permitting and enforcement actions. Delays in getting essential permits -- or decisions about them -- especially hurt small businesses, he said.

Wheeler also says he wants the EPA to get better at telling affected communities about potential risks in straightforward, easy-to-understand ways -- erring on the side of speed, even if the agency must correct information later on.

Trump praised Wheeler, telling reporters on Air Force One Thursday that the incoming acting administrator is "a very environmental person."

"Andy is going to do a great job," he said.

Stephen Brown, a vice president of federal government affairs with refiner Andeavor, said it's doubtful the change at the top of the EPA will dramatically shift the agency's policy direction under Trump. Some changes may even be easier, he said.

"The agency will likely run smoother and generate less collateral baggage when moving major initiatives," Brown said by email. "Andy knows how to make the trains within the agency and in the political arenas run on time."

Toxic Chemicals

Wheeler's entire professional life has been tethered to the EPA, beginning in 1991, when he was hired for a non-political job focusing on toxic chemicals.

After four years working at the EPA under former presidents George H.W. Bush and Bill Clinton, he shifted to Capitol Hill, working for Republicans on the Senate Environment and Public Works Committee. That included time as an adviser to Senator James Inhofe, the Oklahoma Republican who famously carried a snowball on to the Senate floor to dispute the impacts of climate change.

After Wheeler left Capitol Hill in 2009, he took on a cadre of lobbying clients, eventually leading FaegreBD Consulting's energy and environment practice group. His job was dedicated to methodically and deliberately pursuing policy outcomes for chemical manufacturer Celanese Corp., uranium miner Energy Fuels Resources Inc., utility holding company Xcel Energy Inc. and other clients.

Wheeler lobbied the Trump administration last year to take emergency action to shore up coal-fired power plants on behalf of coal producer [Murray Energy Corp.](#) Wheeler also arranged at least one meeting last March between the company's chief executive officer, Robert E. Murray, and Energy Secretary Rick Perry to press for a host of regulatory actions, according to newly disclosed correspondence.

As EPA's deputy administrator, Wheeler says he was recused from administration deliberations over possible intervention to stem the closing of coal and nuclear power plants, including at least one interagency meeting on the issue. Wheeler allows that he "probably could" get involved with the subject under the strict terms of a recusal statement that allows him to sometimes participate in particular matters of general applicability, but he vowed not to since he lobbied on the issue.

Wheeler has a dry humor and a highly cultivated skill for deeply listening to colleagues and subordinates, said Matt Dempsey, a former Senate staffer who also worked for Inhofe. Wheeler knows how to "avoid problems" and "work with people" to achieve enduring changes, Dempsey said.

"He's trying to make dramatic changes -- but ones that will stick," Dempsey said. "The kind of change he's bringing is long-lasting."

Conservative's Misgivings

Some conservatives fret that Wheeler's deep ties to the EPA -- and his reputation as having respect for the agency as an institution -- could discourage him from broadly overhauling the agency and its policies.

"Andy's principal advantage is that he has a deep and historical knowledge of many of the issues facing the agency," said Republican energy strategist Mike McKenna. "His principal challenge will probably be the need to balance concern for the institution with a desire to execute the president's agenda."

Although Wheeler collaborated with Democrats to pass highway bills and water infrastructure legislation, some of his biggest environmental policy achievements may be in what he blocked from happening. For instance, Wheeler helped kill legislation to put a cap on carbon dioxide emissions in 2008 by emphasizing how the proposal could boost the cost of energy, making any vote to support it politically risky as gasoline prices spiked.

Wheeler appears to share none of the personality traits and habits that got Pruitt into hot water.

Employee Relations

Unlike Pruitt, who did not aggressively consult with EPA's career employees, Wheeler has sought them out. And he has drawn on his EPA work history to try and as he tries to win trust with career employees at the agency amid staff cutbacks and concerns the EPA is retreating from the fight against climate change.

"The career employees at EPA are some of the most dedicated employees in the federal government because they grow up wanting to do something for the environment and that's why they come here," he said in a June 27 interview.

While Pruitt toured the country to highlight big policy initiatives for farmers and oil drillers, Wheeler eschews the limelight with a humility cultivated by years on Capitol Hill, where congressional aides know their role in meetings is often to hug the wall, not take a seat at the table.

"He is level-headed, soft-spoken and knows how to get things done" said Myron Ebell, director of the Center for Energy and Environment at the [Competitive Enterprise Institute](#). "During his tenure on the committee, he helped the senator defeat ruinous cap-and-trade legislation and also pass major energy legislation with bipartisan support."

There is no doubt Wheeler shares many of Pruitt's views. In 2010, Wheeler took aim at the United Nations Intergovernmental Panel on Climate Change, saying it was functioning "more as a political body than a scientific body," and had "blurred the lines between science and advocacy" so much that its scientific conclusions were unreliable.

Pruitt Departure Allows for 'Reset' Between Trump and Ethanol

<https://news.bloombergenvironment.com/environment-and-energy/pruitt-departure-allows-for-reset-between-trump-and-ethanol>

Posted July 5, 2018, 7:53 PM

By Mario Parker

- Recent EPA steps on biofuel seen as favorable to oil refiners
- Pruitt exit 'may mean there is some negotiating room'

Scott Pruitt's resignation as administrator of the Environmental Protection Agency presents an opportunity to reset the relationship between part of the Trump administration and the biofuels industry.

Pruitt had become persona-non-grata among ethanol proponents, the majority of which comprise a large swath of Trump's rural agricultural base, who produce the crops that turn into biofuels. Waivers for small refineries from the Renewable Fuel Standard, the law that compels oil refiners to use biofuels, created tension between ethanol producers, farm-state leaders and Pruitt.

Biofuel puts agriculture at odds with oil refiners because more ethanol use means less gasoline consumption. It also squares off two parts of Trump's base: farmers and the energy industry.

Trump pledged to support ethanol during his presidential campaign and then he personally waded into the battle between agriculture and oil with a series of White House meetings on ways to tweak the mandate. Still, tensions between Pruitt and farmers heightened after the EPA's June 26 proposal for 2019 biofuel quotas, which some saw as more favorable to the oil industry because there was no mention of curbing the waivers.

The EPA also jettisoned a plan to incorporate an additional 1.5 billion gallons of biofuel requirements in last week's proposal to make up for the potential waivers granted to small refineries. The agency said that it wouldn't be taking public comments on the issue.

'Negotiating Room'

Pruitt made a "scorched Earth ruling on the way out the door," Scott Irwin, an agricultural economist at the University of Illinois Urbana-Champaign, said by phone July 5.

"That may mean there is some negotiating room" now that he's left, Irwin said.

At the center of the debate are Renewable Identification Numbers, or RINs—tradeable credits used to show compliance with the federal biofuels mandate. Refiners say that the costs of adhering to the biofuel law and buying the credits are too onerous. Since Sept. 1, RINs prices have dropped 75 percent on speculation that EPA policy would shift to favor the oil industry more.

Prices for the credits tracking ethanol targets jumped as much as 31 percent to 27.5 cents apiece July 5 after Trump tweeted that Pruitt resigned, according to broker data compiled by Bloomberg. The gain signaled that traders see Pruitt's departure as a door opening for the ethanol industry.

Without Pruitt, the EPA may "potentially make more sparing use of the" contested waivers, ClearView Energy Partners, said in a July 5 report.

Grassley Comments

Sen. Chuck Grassley, a Republican from Iowa, the largest corn-producing state, warned last month that he would call for Pruitt's resignation if the EPA continued exempting small oil refineries from the biofuels mandate.

After the Pruitt announcement, Grassley said “President Trump made the right decision,” and that he hopes the acting administrator Andrew Wheeler “views this as an opportunity to restore this administration’s standing with farmers and the biofuels industry.”

Likewise, agricultural groups from the Renewable Fuels Association to the National Corn Growers Association, hailed Pruitt’s departure.

The Fueling American Jobs Coalition, which supports the oil refiners, said in a July 5 statement that the RFS had nothing to do with Pruitt’s departure and reiterated that the EPA is following the law in issuing waivers. It also said that agriculture hasn’t been negatively impacted under the current administration.

For both fans and foes of the mandate, Wheeler will be seen as a fresh face. He doesn’t have the baggage Pruitt did from more than a year of struggling with ethanol backers and the oil-refining industry over the policy.

But fundamentally, he is in the same difficult position as Pruitt: forced to administer a program that amounts to a zero-sum contest over gasoline market share.

Wheeler, a former energy and environmental lobbyist for Faegre Baker Daniels, is no stranger to the debate. He previously represented Growth Energy, an ethanol trade group that’s advocated for the EPA to allow year-round sales of higher blends of ethanol, according to a recusal statement from Wheeler.

—With assistance from Jennifer A. Dlouhy.

Superfund Program Could Lose Prominence Without Pruitt

<https://news.bloombergenvironment.com/environment-and-energy/superfund-program-could-lose-prominence-without-pruitt>

Posted July 5, 2018, 5:51 PM

By [Sylvia Carignan](#)

- Pruitt leaves questions in his wake as he exits EPA
- Lawyers, activists unsure reforms will maintain speed

The future of the Superfund program is uncertain now that EPA head Scott Pruitt, a champion of faster site cleanup and redevelopment, is leaving the agency, attorneys and activists said.

President Donald Trump announced July 5 that the Environmental Protection Agency’s administrator is resigning. Pruitt pushed for faster cleanup at contaminated sites and said he would put the cleanup program at the center of the EPA’s work. Activists and attorneys were split on whether his emphasis improved the program.

“He gave lip service to the Superfund program, but his office was constrained with budget and staff cuts,” Lenny Siegel, executive director for the Center for Public Environmental Oversight in Mountain View, Calif., told Bloomberg Environment.

Siegel is hoping the EPA maintains its focus on the program. The agency’s internal Superfund task force has been working for nearly a year to find ways to get third parties to invest in contaminated sites and push them toward redevelopment.

Cleaning Up Sites

Larry Schnapf of environmental law firm Schnapf LLC in New York City said he is hoping Pruitt’s replacement, deputy administrator Andrew Wheeler, will follow through on faster cleanup of Superfund sites. Although Schnapf doesn’t endorse all of Pruitt’s actions, he was “the only administrator who really put the Superfund program in its proper focus,” he told Bloomberg Environment.

Sites on the EPA’s National Priorities List, also known as Superfund sites, are the most contaminated in the country.

Pruitt’s priority at those sites seemed to be removing as much contamination as possible, Jim Woolford, director of the EPA’s Office of Superfund Remediation and Technology Innovation, told Bloomberg Environment in April.

Woolford didn’t anticipate major changes to the program if Pruitt resigned, he said at the time.

'Real Fear'

Pruitt was elected attorney general of Oklahoma in 2010. One of the state's Superfund sites, Tar Creek, is an abandoned mining district that became part of the National Priorities List in 1983.

"There's a real fear with how Superfund will be handled," Rebecca Jim, executive director of Local Environmental Action Demanded Agency Inc. in Tulsa, Okla., told Bloomberg Environment.

Jim's organization focuses on the well-being of citizens and the environment near Tar Creek.

Jim was relieved to hear that Tar Creek made the administrator's list of priority Superfund sites last year, but any plans the EPA could have made to accelerate progress were never realized.

"We're not nearly done here, and it's going to take a great deal of public attention," she said of the site's decades-long cleanup. "Whatever advantage we had [in Pruitt,], we lost it."

Wheeler Expected To Push Ahead With Pruitt's Deregulatory Agenda

<https://insideepa.com/daily-news/wheeler-expected-push-ahead-pruitts-deregulatory-agenda>

July 05, 2018

Andrew Wheeler, EPA's deputy administrator who will be leading the agency in an acting capacity following Scott Pruitt's resignation, is expected to push ahead with his predecessor's broad deregulatory agenda -- and could potentially have more success implementing it because he does not have the distractions of the ethics scandals that plagued Pruitt.

President Donald Trump, who announced Pruitt's resignation in [a July 5 message on Twitter](#), said Wheeler will continue Pruitt's work. "I have no doubt that Andy will continue on with our great and lasting EPA agenda," he wrote. "We have made tremendous progress and the future of the EPA is very bright!"

According to Trump's message, Wheeler will become acting administrator July 9.

In a July 5 gaggle with reporters, Trump noted that Wheeler "has been with me actually a long time. He was very much an early Trump supporter. He was with us on the campaign. He is a very environmental person. He's a big believer, and he's going to do a fantastic job."

As EPA's Senate-confirmed deputy, Wheeler can serve as acting administrator for nearly all of the remainder of Trump's four-year term.

He is also eligible to continue serving in the post if Trump nominates him as the permanent replacement -- though in a recent interview Wheeler suggested he did not want the job.

"I could have tried to be the administrator," he told the *Washington Examiner*. "I could have put my hat in the ring for the administrator. I wasn't interested in that. I am still not interested in that. I am the deputy administrator and that is what I am focused on doing."

Nevertheless, observers generally expect that Wheeler will continue Pruitt's efforts to rescind or weaken a host of Obama-era climate and other environment rules, though it is possible that some initiatives that were a particular focus of Pruitt's might be dropped or given a lower priority.

One industry source believes that the agency could have a higher success rate in enacting Trump's agenda because it will not face the distractions that have ensnared Pruitt over the past several months.

And Wheeler's extensive knowledge of the agency and environmental laws and policies -- he is a former EPA official, worked for Sen. James Inhofe (R-OK) on the environment committee and lobbied on behalf of Murray Energy and other other industry organizations -- could help him to bolster the legal justification for deregulatory policies.

John O'Grady, the president of a major EPA staff union, told reporters during a June 13 appearance at the National Press Club that if Wheeler takes over as EPA chief, "there would probably be fewer scandals. But he is more adept at being able to navigate the ins and outs of the agency and Congress."

O'Grady added: "We have to remember, his heart is in lobbying for fossil fuels and he is not going to promote any kind of decent climate change work by the agency. And that is a problem."

However, one informed source expects that with Pruitt gone, "things will slow to a crawl, now that yet another Inhofe staffer has ascended to power. They talk a lot, but when you look at what they have actually accomplished . . . it is not very much."

Pruitt's Scandals

Pruitt has been under fire for months over an increasingly long list of ethics and spending scandals stemming from reports that he used his position to benefit his family, misspent agency resources and retaliated against staff who questioned his decisions.

He was the subject of more than a dozen official investigations, with the agency's inspector general expected to release findings in at least one major inquiry this summer.

Trump did not directly cite a reason for Pruitt's resignation, though he alluded to it by saying that Pruitt did an "outstanding" job "within the agency." That likely refers to the agency's policy work, as opposed to the ethics and management allegations that reportedly left White House officials soured on Pruitt for weeks.

The industry source previously said that if and when Pruitt leaves EPA, he will be remembered as "the most despised and least effective administrator in history."

Sen. Tom Carper (D-DE), the ranking Democrat on the Senate environment committee, said in a July 5 statement that he hopes after Pruitt's resignation that "we can finally return to more responsible leadership at EPA and an agency that can get back to doing its important work of protecting the American people, rather than the highest bidder."

Carper added that he looks forward to meeting with Wheeler "to understand how he intends to get to work immediately to restore the public's trust" in EPA.

Environmental groups sounded a similar theme, both praising Pruitt's departure and calling for a significant change of course on policy. "Changing name plates is not enough -- we need new, honest leadership that puts the health of American families first," the Environmental Defense Fund said in a July 5 statement.

Others who favor strict environmental rules seemed resigned that the Trump administration would not shift its policy priorities.

"The sad part is that it was the cascade of little sleazy acts that brought Pruitt down, not his overarching corruption by fossil fuel interests," Sen. Sheldon Whitehouse (D-RI) said in a statement.

Many Republican lawmakers in recent weeks have signaled that they would have no problem with Trump forcing Pruitt out -- given Wheeler's ability to take over as acting chief -- though they stressed it was Trump's decision.

"It is ultimately the president's call, but I don't think he would have many people around here who would object to any decision he might make about the administrator's future," said the Senate's third-ranking Republican, Sen. John Thune (R-SD).

Senate environment panel Chairman John Barrasso (R-WY) said in a statement that it had "become increasingly challenging for the EPA to carry out its mission with the administrator under investigation. President Trump made the right decision to accept his resignation."

Inhofe earlier had even floated Wheeler as a possible replacement. At one point during an intensified focus on Pruitt's scandals, he noted that Wheeler is "really qualified" to run the agency, "so that might be a good swap."

In a July 5 statement, Inhofe said Pruitt did "great work" in reducing regulatory burdens, and that Wheeler is the "perfect choice" to serve as his replacement. "I have no doubt and complete confidence he will continue the important deregulatory work that Scott Pruitt started while being a good steward of the environment."

GOP strategist Mike McKenna praised Pruitt's effort to "reorient" EPA toward environmental improvement and away from "an overweening focus on global warming."

"Andy will be a great leader who will use his experience and judgment to fulfill the promise of the Trump Administration with respect to environmental and energy issues," he said.

Praise For Pruitt

One of the few areas where Pruitt's agenda may win continuing support are his efforts to reform the Superfund program, which has already drawn praise from some community groups though some industry officials have been less than enthusiastic.

In a statement to *Inside EPA*, Superfund attorney Larry Schnapf praised Pruitt's focus on Superfund issues, arguing that no other administrator had put the program at the core of EPA's mission.

"I'm sad to see him go" from that perspective, he said, adding that he hopes Wheeler maintains the same focus on the program.

Coal executive Robert Murray -- whose company Wheeler lobbied for before joining EPA -- also expressed remorse at Pruitt's departure.

"It is a tragedy for America to lose such a qualified administrator," Murray said in a statement to *Inside EPA*. "I have not had any contact with Andrew Wheeler since he became" deputy EPA administrator, "and, as such, we are unable to provide any further comment." -- *Lee Logan* (llogan@iwpnews.com)

EPA to Revisit Risks of Carcinogenic Mothball Chemical

<https://news.bloombergenvironment.com/environment-and-energy/epa-to-revisit-risks-of-carcinogenic-mothball-chemical>

Posted July 5, 2018, 3:01 PM

By [Sylvia Carignan](#)

- Agency releases plan for assessing naphthalene
- EPA also revisiting possible human carcinogen after 1998 review

The EPA wants to determine if a chemical used in mothballs is more toxic than it concluded in 1998.

The Environmental Protection Agency's National Center for Environmental Assessment runs the chemical toxicity assessment program, called the Integrated Risk Information System, or IRIS. The program is reassessing naphthalene because its previous report relied on inadequate data regarding the chemical's potential to cause cancer. There is new research data available about the chemical that warrants a new assessment, according to the EPA.

Naphthalene is used in mothballs and found in coal and petroleum. The EPA considers it to be a possible human carcinogen. It released its [plan](#) for reassessing the chemical July 5.

The program's assessments can influence the EPA's decisions, standards, and regulations in multiple areas, from air, water, and chemicals to contaminated sites and waste.

Call for Transparency

Naphthalene is part of the family of polycyclic aromatic hydrocarbons, which have been found on nearly half of the sites on the EPA's National Priorities List, or Superfund sites, according to the Agency for Toxic Substances and Disease Registry. The public can be exposed to the chemical through the skin, inhalation, and ingestion.

The EPA's chemical toxicity assessment program has come under fire from House Republicans and the chemical industry for lack of transparency. The National Academy of Sciences reported in April, though, that the program is making strides toward greater transparency and accelerating the assessment process.

Changes the agency is making in the program include informing the public how it will assess chemicals and incorporating the most recent scientific research into its decisions. The program is "dramatically more systematic, transparent, and scientifically defensible" than it was in a 2010 National Academies review, the April 11 report said.

Pruitt Exit Brings Change in Style—Not Substance

<https://news.bloombergenvironment.com/environment-and-energy/pruitt-exit-brings-change-in-stylenot-substance>

Posted July 5, 2018, 7:14 PM

By Abby Smith

- Most in industry, conservative groups expect little change or slowdown to rollbacks of Obama policies
- Acting EPA head Andrew Wheeler has "more low-key way," less political demeanor

Scott Pruitt is out—but his policy agenda is here to stay, and some say it may even benefit from the scandal-plagued former EPA chief's exit.

President Donald Trump announced on Twitter July 5 that he accepted Pruitt's resignation as head of the Environmental Protection Agency. Pruitt's last day will be July 6, and Andrew Wheeler, the EPA's deputy administrator, will take the helm as its acting head July 9.

Pruitt started the process to undo or weaken many Obama-era climate and environmental regulations, including greenhouse gas limits on power plants, fuel economy standards for cars and trucks, clean water rules, and chemical safety regulations. He also initiated policies to change EPA operations, such as restricting the science the agency can use, restructuring its science advisory panels, and adjusting how it calculates regulatory costs and benefits.

Pruitt won't be there to finish work on those efforts, but most in industry don't expect much of a change in agenda or any major bumps in the road.

Wheeler, a former energy industry lobbyist who also served as Republican counsel on the Senate environment committee under Sen. James Inhofe (R-Okla.) for nearly 15 years, largely sees eye-to-eye with Pruitt on policy, industry figures agreed.

"I think we'll see a change in style, and [Wheeler] is just a little more quiet. I don't think he's inclined to be quite so political," Jeff Holmstead, an attorney at Bracewell LLP in Washington who served as the EPA's air chief under President George W. Bush, told Bloomberg Environment. "I think it will probably be a healthy thing for EPA."

Some Policies Could Stall

Some rollback efforts could stall slightly without Pruitt at the helm while the agency determines who will permanently replace him. Lee Hoffman, an attorney with Hartford, Conn.-based Pullman & Comley LLC, told Bloomberg Environment that more control could revert to EPA career staff in the short-to-medium term.

"I think that Mr. Pruitt was an advocate for undoing much of the regulatory advances made by predecessors, Gina McCarthy and Lisa Jackson," Hoffman said, referring to President Barack Obama's EPA chiefs. "All those will be put on pause as the career environmental officials will be addressing those."

Myron Ebell, environment and energy director with the Competitive Enterprise Institute in Washington, doesn't expect Wheeler to let up on any core Trump administration priorities.

But Ebell—who led Trump's transition team for the EPA—said questions remain about whether Wheeler continues an intense focus on Pruitt-specific initiatives, such as Superfund cleanups and changes to the way the agency uses science.

Holmstead said Wheeler is fully supportive of the science initiatives, which included a restructuring of the EPA's Science Advisory Board.

Wheeler will continue those initiatives in a "more low-key way" and will be able to make some needed refinements to those policies, he added.

Different Styles

Not everyone is looking forward to the subtler, more behind-the-scenes style Wheeler is poised to bring with him as he takes the helm of the agency.

Ebell told Bloomberg Environment that Wheeler is going to have to develop a public presence to enable him to help sell the Trump agenda to the American public.

"They're very different in style. Scott Pruitt is all about convincing the public he's doing a great job; Wheeler is all about internal management," he said. "Andrew will have to come out of the office occasionally and talk to the world. That's not his thing."

Environmental groups also are unhappy with Wheeler, whom they have sharply criticized for his former lobbying work for coal mining giant Murray Energy Corp. Minutes after sending statements to cheer Pruitt's exit, for which they had intensely lobbied, environmental groups slammed Wheeler's appointment to the EPA's top slot.

"Like Pruitt, this veteran coal lobbyist has shown only disdain for the EPA's vital mission to protect Americans' health and our environment," Ana Unruh Cohen, managing director for government affairs at the Natural Resources Defense Council, said in a statement. "Make no mistake: we'll fight Wheeler's pollution agenda with the same vigor as we did Pruitt's."

'Unrelenting Attacks'

Trump offered initial praise for Wheeler, telling reporters that he was an early supporter of the campaign.

"He is a very environmental person. He's a big believer, and he's going to do a fantastic job," Trump said.

Pruitt's last few months at the EPA were consumed by a steady drip of ethics controversies—including high costs for first-class travel and around-the-clock security, a \$50-a-night condo rental deal with Washington lobbyists, and suggestions the former administrator forced out staffers who raised objections to his spending decisions.

At the time of his departure from the EPA, Pruitt was facing more than a dozen investigations over his conduct in office.

"Your courage, steadfastness and resolute commitment to get results for the American people, both with regard to improved environmental outcomes as well as historical regulatory reform, is in fact occurring at an unprecedented pace and I thank you for the opportunity to serve you and the American people in helping

achieve those ends,” Pruitt wrote in his resignation letter. “However, the unrelenting attacks on me personally, my family, are unprecedented and have taken a sizable toll on all of us.”

Even those groups supportive of Pruitt’s agenda acknowledged that the swirl of ethics allegations could have dampened progress on regulatory rollbacks in recent months.

“I’m sure they’ve been a distraction to the agency and to Pruitt and to the good staff that were trying to do good work,” Ellen Steen, general counsel and secretary for the American Farm Bureau Federation, told Bloomberg Environment.

—With assistance from Amena Saiyid, David Schultz, Sam Pearson, and Pat Rizzuto

Pruitt Tries to Bulletproof Waters Rule Repeal Before Exit

<https://news.bloombergenvironment.com/environment-and-energy/pruitt-tries-to-bulletproof-waters-rule-repeal-before-exit>

Posted July 5, 2018, 7:07 PM

By [David Schultz](#)

- EPA looking to shield waters rule repeal from legal challenge
- Obama-era rule was strongly opposed by farmers, power sector, home builders and others
- Head of EPA resigns days after issuing new justification for repeal

One of Scott Pruitt’s final actions as head of the EPA was to put forth a 93-page document that gives a justification for why an Obama-era waters jurisdiction rule should be rescinded.

The proposed rule represents the Environmental Protection Agency’s attempt to bulletproof the rationale for this repeal and to shield it from the inevitable legal challenges that are sure to come its way, attorneys said.

“I think this goes a long way to improving their position,” said Neal McAliley, a Miami-based lawyer who focuses on water issues. “Whether they fully accomplished that or not remains to be seen, but they appeared to be vulnerable before they did this.”

Attorneys who spoke to Bloomberg Environment also said they think Pruitt’s resignation will have little impact on the future of this landmark regulation, known as Waters of the United States or WOTUS. If left in place, the regulation could force some businesses to obtain water pollution permits.

“This was a campaign promise of the president to look at this rule,” said Ellen Steen, the American Farm Bureau Federation’s general counsel. “I don’t have any reason to think that [Pruitt’s successor] will be any different in terms of his support on this issue.”

In fact, Pruitt’s resignation may actually cause the work on repealing the WOTUS rule—and then subsequently replacing it—to move a little faster, said Sean Herman, an attorney with the California-based firm Hanson Bridgett LLP.

“Pruitt is kind of a lightning rod,” he said. “People like Pruitt create some kind of a divisiveness that may inhibit efforts to solve this.”

Being Careful?

Pruitt’s deputy, Andrew Wheeler, will step into his position on an acting basis starting July 9, according to a tweet from President Donald Trump.

The June 29 proposal from the EPA lays out in greater detail why the agency feels it needs to undo a regulation it spent years crafting during the Obama administration. Though it ultimately created a fair amount of uncertainty itself, the Obama administration's intent with the WOTUS rule was to clear up the uncertainty around which bodies of water are regulated by federal anti-pollution law.

Ultimately, the attorneys who spoke to Bloomberg Environment agreed that this supplemental justification for repealing WOTUS is a sign that the EPA is moving much more cautiously now than it did last year during the heady early days of Pruitt's tenure.

"They're being very careful here, because they don't want to have to take back anything they already said," McAliley, with the firm Carlton Fields, told Bloomberg Environment.

'Recognition of Vulnerability'

The Trump administration's initial proposal to repeal WOTUS, which the EPA released last year, came under fire from both environmentalists and industry for being too paltry on details.

"My sense of it is that, at base, there's some recognition of vulnerability in the rulemaking process," said David Lazerwitz, a San Francisco attorney who works on water permitting for the renewable energy industry.

Because the agency will be sued by environmentalists almost as soon as it finalizes the repeal, the EPA is looking to establish a stronger paper trail that it can point to in court, said Lazerwitz, a partner in the San Francisco-based firm Farella Braun + Martel LLP.

"They've gone into a significant amount of detail," he told Bloomberg Environment. "They've gotten closer to strengthening the defense of the repeal than they were before."

The second-biggest confirmation fight this year?

<https://www.eenews.net/climatewire/2018/07/06/stories/1060087991>

Nilina Heikkinen, E&E News reporter

Published: Friday, July 6, 2018

The Supreme Court battle isn't the only fiercely partisan confirmation fight looming ahead for the Senate.

EPA Administrator Scott Pruitt's resignation yesterday came shortly after Justice Anthony Kennedy announced his retirement this month from the Supreme Court, setting up the Senate for two highly charged confirmation tussles just four months before midterm elections.

Pruitt was confirmed last February on a largely partisan 52-46 vote. But a Senate vote on his successor could be even more polarizing because senators will be juggling fewer nominations and will have more time to focus on the nominee's record, said Norman Ornstein, a resident scholar at the American Enterprise Institute.

It's still unclear when President Trump plans to nominate a replacement and how quickly the Senate Environment and Public Works Committee would consider the nomination.

EPA Deputy Administrator Andrew Wheeler will become the agency's acting leader next week. He's expected to be in the role for a while, and some expect Trump to formally pick him for the job.

Democrats and environmental groups are already hammering Wheeler for his connections to the energy industry. He has worked as a lobbyist for coal giant Murray Energy Corp. However, he had pledged in a recusal statement to avoid issues he lobbied on to EPA and other federal agencies for eight of his former clients, including Murray Energy (Climatewire, July 2).

Even though the EPA pick will be controversial, it will still not garner the same degree of attention as the hunt for Kennedy's replacement, a nomination that will consume much of the Senate's attention.

"We are going to see a bigger battle in the Supreme Court; it's very, very likely we'll see someone in place at the Supreme Court before EPA," Ornstein said. "[EPA] ought to be as important — we're talking about the planet here — but it won't be. It's not the hot button that *Roe v. Wade* is."

As an acting administrator, Wheeler will wield the same policymaking authority as his Senate-confirmed counterpart, though he perhaps may be less likely to strike out on new priorities at the agency, at least at first, according to some former EPA employees.

Wheeler can stay in his position for 210 days under the Federal Vacancies Reform Act of 1998. That time can be extended longer depending on when Trump decides to nominate a replacement. Wheeler can stay in his post while the Senate considers up to two rounds of nominees for the position. If the Senate rejects a second nominee, then the president will have to nominate a new acting administrator (*Climatewire*, June 25).

If Trump takes his time in nominating a replacement and the Senate takes its time reviewing a replacement, EPA might not have a Senate-confirmed administrator until well into 2019.

Joe Edgell, president of National Treasury Employees Union Chapter 280 — which represents EPA employees — suggested it's possible the president won't appoint a new administrator at all and might simply allow Wheeler to continue in an acting capacity.

"Should there be a nomination, I cannot imagine that it would get any traction on the Hill until after the midterm elections," Edgell said in an email.

Replacement prospects

David Schnare, a former EPA transition team member who has been publicly critical of Pruitt, nonetheless described Pruitt's resignation as a sad, but inevitable, event.

Schnare speculated that Donald van der Vaart, the former secretary of the North Carolina Department of Environmental Quality, could be a possible contender for permanent administrator. Van der Vaart's name had previously been under consideration for a position within the Trump administration.

Other names previously circulated for the post include EPA's air chief, Bill Wehrum; the chairman of the Texas Commission on Environmental Quality, Bryan Shaw; and the head of the Ohio EPA, Craig Butler (*Climatewire*, March 15).

"Democrats aren't going to make it easy. It's not going to happen anytime soon," Schnare said of the nomination.

While Pruitt's exit had long been anticipated, yesterday's announcement came with little warning, even to EPA's own staff.

A spokesman for Senate Majority Leader Mitch McConnell's (R-Ky.) office declined to comment on a nomination that hasn't yet been made by the president. The offices of the majority and minority leaders of the Senate Environment and Public Works Committee also did not return requests for comment on how quickly they anticipate the nomination process will proceed.

But Sen. Tom Carper of Delaware, the top Democrat on the EPW panel, cheered Pruitt's exit soon after the president's tweet about it.

"Hopefully, with Mr. Pruitt's resignation, we can finally return to more responsible leadership at EPA and an agency that can get back to doing its important work of protecting the American people rather than the highest bidder," he said in a statement.

Animal Allies Fear Money Woes May Slow EPA's Toxics Testing Plan

<https://news.bloombergenvironment.com/environment-and-energy/animal-allies-fear-money-woes-may-slow-epas-toxics-testing-plan>

Posted July 6, 2018, 7:46 AM

By [Ayanna Alexander](#)

- EPA plan would reduce animal testing
- Animal advocates warn that funding cuts would hinder plan

EPA budget uncertainties are curbing the optimism of those urging the agency to move away from chemical tests on animals.

The agency's June 22 multiyear [strategy](#) outlines three phases of reducing or replacing animal testing: identifying, developing, and integrating new methods for Toxic Substances Control Act (TSCA) decisions; building confidence that the new methods are scientifically reliable and relevant; and finalizing the new methods.

This strategy will require alternatives to animal tests, and it includes computational toxicology research—the use of computer-based models to analyze how organisms interact with different types of pollutants or chemicals.

Congress [funded](#) the EPA's computational toxicology program at about \$21.5 million for both 2017 and 2018 fiscal years, and it plans to keep that amount the same, according to House and Senate subcommittee panels.

Animal allies who back the agency's strategy say they're worried that if Congress' budget proposals don't give more money to the EPA than the president's budget would, the testing plan would be hindered.

Organizations, including the Physicians Committee for Responsible Medicine and the Animal Legal Defense Fund, say the potential lack of funding or proposed budget cuts will make this process significantly more difficult to implement, even if the EPA's budget stays roughly flat.

Anticipating the challenge, some animal rights advocates—like the Humane Society—pushed for research funding from the government before the plan's release.

“For several years, we have also lobbied to increase appropriations over and above the president's budget for activity to advance the replacement of animals in risk assessments,” Humane Society Legislative Fund President Sara Amundson said. “We have actively supported actual budget increases, in addition to directional report language.”

On the other hand, chemical manufacturers, a federal alternative testing program director, and other animal rights supporters not only believe that the funds are available but also say they will support the strategy.

The Environmental Protection Agency is allowed to collect up to \$25 billion in user fees—which can be used for new chemical reviews and testing methods on existing chemicals—once it finalizes its proposed fees rule under the 2016 TSCA amendments. Other federal agencies provide in-kind support for test validation.

Adequate Resources, Staffing

Senate and House subcommittees recommended close to \$8 billion for all EPA programs for fiscal year 2019, which is roughly \$1.8 billion more than what the White House proposed. Final figures haven't been enacted into law.

Resources for developing alternative tests come from various coffers, including the agency's Office of Research and Development. The House subcommittee recommended nearly \$114 million for chemical research in that office.

The Physicians Committee for Responsible Medicine is concerned over the White House's proposed budget cuts.

"The EPA's budget will have an effect on whether the strategy—or any part of EPA's mission—is successful, because EPA needs staff and funds to conduct its mission," Kristie Sullivan, the organization's vice president of research policy, told Bloomberg Environment. "In particular, EPA's Office of Research and Development is responsible for many recent advances in technology, evaluation, and application of in vitro methods and computational modeling. Those won't continue without adequate funding.

"EPA staff in offices responsible for regulating chemicals also need time to learn more about new methods for chemical assessment, and if they are chronically understaffed, they don't have that time," she said.

Christopher Berry, senior staff attorney for the Animal Legal Defense Fund, shared that view.

"Under the statutory mandate, lack of agency resources could become a significant obstacle to EPA efficiently implementing its strategic plan to reduce animals in chemical testing," Berry said. "That would translate to more animals suffering and dying in unnecessary chemical toxicity tests."

Support Available

Departing Administrator Scott Pruitt has said the agency has the funding necessary for the strategy to work under the TSCA amendments, according to chemical trade group the American Chemistry Council.

"Administrator Pruitt has made clear that EPA will have the resources necessary to fully and effectively implement the amendments to TSCA as Congress intended including Section 4, which mandates EPA's work on its New Approach Methodologies strategic plan," ACC communications director Jon Corley told Bloomberg Environment. "The amended TSCA expanded EPA's authority to collect fees to help defray the costs of administration of the law's Sections 4, 5, and 6."

The director of the federal National Toxicology Program's nonanimal testing committee, Warren Casey, told Bloomberg Environment that the organization will continue to provide "staff to do validation project management, data curation and analysis, and computational model development."

Chemical companies like BASF SE and Dow Chemical Co. provided feedback to the EPA on alternative nonanimal testing methods, prior to the plan's release. BASF and Dow Chemical declined to comment.

What to Know About Andrew Wheeler, a Former Coal Lobbyist Who Will Temporarily Replace Scott Pruitt As EPA Chief
He has similar conservative views on climate change to Scott Pruitt
<http://amp.timeinc.net/time/5331352/andrew-wheeler-epa>
Abigail Abrams, July 6th, 2018

Andrew Wheeler, a former coal lobbyist who has been the Environmental Protection Agency's deputy director, will temporarily step into the top role following [Scott Pruitt's resignation](#).

"I have no doubt that Andy will continue on with our great and lasting EPA agenda. We have made tremendous progress and the future of the EPA is very bright!" President Trump tweeted on Thursday, announcing Pruitt's departure from the EPA.

It's [unlikely that much will change at the EPA under Wheeler](#), who holds similar conservative views about environmental regulations as Pruitt. Here's what you need to know about Wheeler's background as he takes over the agency tasked with preserving the country's environment and natural resources.

He's not an outsider

While Pruitt arrived in Washington as part of President Trump's promised wave of outsiders hoping to shake up the Capital, Wheeler has spent years navigating the intricacies of environmental policy. He worked [in the EPA](#) under former President George H.W. Bush, spent years as a senior aide in the Senate working to defeat climate-related legislation and most recently was a lobbyist with many clients in the coal industry.

Wheeler is not someone who has sought the spotlight. In June, he told the [Washington Examiner](#) that he liked his current job and did not want to run the EPA. This differs from Pruitt, who drew attention not only for his aggressive moves to cut back regulations but also for [mounting scandals](#) and questions about potential ethics violations.

But this less flashy style is unlikely to endear him to environmental groups that had been critical of Pruitt. As Pruitt's controversies grew in April, the Union on Concerned Scientists said it would have serious concerns if Wheeler were made EPA administrator. "Unlike Pruitt, Wheeler worked for the EPA early in his career and has played key roles in Congressional oversight of the agency and its budget, making him a formidable opponent with intimate knowledge of the agency's programs and regulations," the group said in the [April blog post](#).

Close ties to the coal industry

It's not just Wheeler's time in government that concerns environmental advocates. Before Trump nominated him to become deputy EPA administrator last fall, Wheeler was a [lobbyist at Faegre Baker Daniels Consulting](#), where his best-paying client was the coal mining company Murray Energy. The company paid Wheeler's firm at least \$300,000 each year between 2009 and 2017, according to the [Center for Responsive Politics](#).

Murray Energy's CEO, Robert Murray, has been a loyal supporter of Trump. After giving \$300,000 to the President's inauguration fund, the New York Times reported that Murray gave Trump a wish list of environmental regulations he wanted rolled back and the President instructed Pruitt to get to work on the list.

Wheeler also had a number of other high-profile clients in the energy sector, according to the Washington Post, and many of these companies have an interest in the regulations Wheeler will now make decisions about as acting head of the EPA.

Wheeler worked for Oklahoma Sen. James Inhofe

During his time as a congressional staffer, Wheeler worked as a senior aide to Republican Sen. James Inhofe, one of Washington's most prominent climate change denialists, according to the *Post*. Inhofe expressed his support for his former staffer on Thursday, calling Wheeler "the perfect choice" to serve as acting EPA administrator.

The senator was also a supporter of Pruitt, according to the *Times*, and Wheeler's rise demonstrates the growing influence of a group of former Inhofe staff members across the Trump administration and Washington including Ryan Jackson, who is currently the EPA's chief of staff.

He has been critical of Trump in the past

Despite his conservative background and his likely continuance of Trump's EPA agenda, Wheeler has previously criticized the President.

When he was still working as a lobbyist in 2016, Wheeler wrote a six-point takedown of Trump on Facebook. He called the then-candidate a "bully" and questioned his character, according to the Washington Post. Wheeler said Trump "hasn't been that successful" in his business endeavors and had "more baggage than all of the other Republican candidates combined."

When the *Post* asked Wheeler in 2017 about his previous comments, Wheeler told the paper his post had been based on watching the primary debates and news coverage. When he started looking into Trump's policies, Wheeler said, "I was fully on board."

Who is acting EPA administrator Andrew Wheeler?

<https://www.mydaytondailynews.com/news/who-butler-county-andrew-wheeler-the-acting-epa-administrator/osWTVXgujSCV8dCqvLGX0H/amp.html>

By Michael Pitman, Staff Writer

Andrew Wheeler, a native of Fairfield in Butler County, will become acting administrator of the U.S. Environmental Protection Agency after the resignation of Scott Pruitt.

President Donald Trump accepted Pruitt's resignation on Thursday and tweeted he has "no doubt that Andy will continue on with our great and lasting EPA agenda."

Wheeler, 53, was confirmed in April to be the deputy administrator, and he had said he was not aiming to take over the agency.

Here are some things to know about Wheeler:

He is an Eagle Scout

Wheeler is an Eagle Scout, a designation he earned after entering the world of scouting as a member of Boy Scout Troop 960 at Holy Cross in Fairfield.

Three years ago, he hiked Mount Kilimanjaro in Africa, but he has no aspirations to climb Mount Everest.

"I'm a hiker, not a climber," he said.

Cincinnati chili

Wheeler gained a love for the region's food while growing up in Fairfield.

Wheeler graduated from Fairfield High School in 1983, and his father was the late Ron Wheeler, the city's first dentist in the 1960s. His mother, Pat, still lives in the same house his parents moved into during the summer before he was born.

But among all other foods, when asked what he misses the most, he was quick to answer: the chili.

"I'm a little bit of a politician," he said. "I always thought the coneys at Gold Star were better and the 3-ways at Skyline were better."

He also misses some of Butler County's best foods, like Richard's steak sandwiches and Chester's pizza, and Cincinnati hallmarks like Frisch's, United Dairy Farmers and Graeter's.

But when he's in town from Washington, where he has worked since he started at the EPA in 1991, his preferred dessert stop is UDF for the chocolate chip ice cream and "the best eggnog I've ever had." That's mainly because there was — and still is — no Graeter's in Fairfield, he said.

"I miss a lot of local foods. You don't have that here, in my opinion. You either have nice restaurants or you have nice food. Back home, you have those Skylines, the Frisch's, that aren't fast food but you can go in and sit down with your family and eat a meal and not pay \$100. But here, there isn't something like that."

Not just a coal lobbyist

Wheeler said he gets frustrated when he is described as a former coal lobbyist. While one of his clients was Murray Energy, one of the nation's largest coal mining companies, he said he had more than 20 clients "and a coal company was one of my clients."

“Yes, I represented a coal company, but I also represented a cheese company,” he said. “I represented a lot of different businesses, a lot of different interests.”

Other industries or organizations for which he lobbied as a private practice attorney in the nine years before his EPA confirmation included natural gas, an air quality management district in California, Underwriters Laboratories (UL), International Paper, local governments, a utility in Colorado, a uranium mining company, a nuclear utility and a few manufacturers.

“I represented them on the Hill — the House and the Senate — as well as the different federal agencies and departments,” Wheeler said.

Former government work

Wheeler started his career at the EPA in 1991. He worked there for four years as a special assistant to a division director.

After his stint at the EPA, he worked on Capitol Hill for 14 years.

He first worked for Sen. Jim Inhofe, R-Oklahoma, for six years, then for the late Sen. George Voinovich, R-Ohio, for two years, and then six more years for Inhofe. During his second stint with Inhofe, he was the staff director and chief counsel for the U.S. Senate Committee on Environment and Public Works, which oversees all the EPA programs.

“I’ve been working on EPA issues my entire career,” he said.

“After I left the Hill, I went into private practice law practice and worked on a number of EPA issues during that time.”

Court Tells EPA to Redo Air Pollution Limits for Brick Kilns

<https://news.bloombergenvironment.com/environment-and-energy/court-tells-epa-to-redo-air-pollution-limits-for-brick-kilns>

Posted July 6, 2018, 1:45 PM

By [Amena H. Saiyid](#)

- D.C. Circuit returns the air pollution standards to the EPA for a rewrite
- Agency failed to justify why it didn’t set a more protective standard, court says

The EPA will have to redo its toxic air pollution standards for brick kilns because a federal appeals court said they weren’t protective enough of public health.

Calling the Environmental Protection Agency’s reasoning “flawed,” the U.S. Court of Appeals for the District of Columbia Circuit returned the 2015 toxic standards for brick kilns to the agency.

Brick kilns emit hazardous acid gases, notably hydrogen chloride, hydrogen fluoride, and chlorine gases. The gases are known to cause asthma, respiratory problems, skin irritation, burns, low blood pressure, and in severe cases death.

The EPA set standards that were less stringent than California's state standards for brick kilns.

"The EPA failed to explain why it would be appropriate to use a less conservative standard than the California EPA level," Judge David Sentelle of the D.C. Circuit wrote in a July 6 opinion.

The agency intentionally chose a low-confidence reference level to set the emissions standards because of incomplete data. But it justified its action by saying the level was reliable enough for regulatory purposes.

Court Review

The Natural Resources Defense Council and the Sierra Club, represented by the nonprofit legal firm of Earthjustice, asked the court to review the standards that the EPA set under the Obama administration.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Environment is operated by entities controlled by Michael Bloomberg.

The Brick Industry Association in June 2016 filed a separate challenge against the EPA over the data it used to set the standards that require companies to use maximum achievable controls to achieve the required reductions. The Reston, Va.-based association didn't respond to a Bloomberg Environment request for comment.

The EPA under President Donald Trump agreed to reconsider the rule following the industry's petition.

The case is Sierra Club v. EPA, D.C. Cir., No. 15-01487, 7/6/18

5 things to know about Andrew Wheeler

<https://www.eenews.net/greenwire/2018/07/06/stories/1060088043>

Hannah Northey, E&E News reporter Published: Friday, July 6, 2018

Andrew Wheeler, described as a savvy and well-known D.C. insider, will take the helm at EPA after embattled Administrator Scott Pruitt exits today.

From his affinity for Midwestern fare and distaste for drama, sources say he and Pruitt couldn't be more opposite.

And that could mean big changes for EPA's leadership.

"[Wheeler's leadership is] going to lower the temperature dramatically, where Pruitt was more confrontational," said Frank Maisano, a partner in Bracewell LLP's Policy Resolution Group. "He's a low-drama, high-production type of person. He's certainly not going to grab the headlines like Pruitt."

Wheeler, energy industry sources said, has both Capitol Hill savvy and knowledge of EPA, and has worked in a bipartisan fashion in the past.

That included a stint at EPA in the 1990s before heading to the Hill to serve as a top aide for former Senate Environment and Public Works Committee Chairman Jim Inhofe (R-Okla.).

But he's also drawing the ire of the left, given his time as a lobbyist at Faegre Baker Daniels Consulting, where one of his top clients was coal mining executive Bob Murray, who is currently pushing the Trump administration for favorable federal treatment to bail out struggling coal plants that buy fuel from his mines in West Virginia.

So just who is EPA's incoming acting chief?

He's from Ohio.

Wheeler hails from Fairfield, Ohio, a city in the Cincinnati suburbs that houses one of the nation's top gymnastics programs.

He graduated from Fairfield High School in 1983, and his late father, Ron Wheeler, was the city's first dentist in the 1960s, according to the Hamilton *Journal-News*.

Wheeler told the newspaper in an interview that his mother, Pat, still lives in the same house his parents moved into during the summer before he was born.

Wheeler is also known to be an avid collector of old Coca-Cola memorabilia. He also told the newspaper he's an Eagle Scout, he hiked Mount Kilimanjaro in Africa three years ago, and he really misses Midwestern food, especially Cincinnati chili and coney dogs.

"I miss a lot of local foods. You don't have that here, in my opinion," Wheeler said of Washington, D.C. "You either have nice restaurants or you have nice food. Back home, you have those Skylines, the Frisch's, that aren't fast food but you can go in and sit down with your family and eat a meal and not pay \$100. But here, there isn't something like that."

Wheeler has a bachelor's degree in English and biology from Case Western Reserve University in Cleveland and a law degree from the Washington University School of Law in St. Louis. He also has a master's degree in business administration from George Mason University.

He's worked at EPA before.

Wheeler first started working for EPA in 1991 under President George H.W. Bush as a special assistant to a division director working on toxic chemicals, pollution prevention and right-to-know issues.

He had that job until 1995.

After leaving EPA, Wheeler went on to work on Capitol Hill for 14 years, first for Inhofe for six years and later for the late Republican Sen. George Voinovich of Ohio for two years. Wheeler would later return to Inhofe's staff as director and chief counsel for the Senate EPW Committee.

During that time, he worked on legislation including the Energy Policy Act of 2005 and the "Clear Skies Act," which died in Congress.

He's a jokester.

Wheeler appears to have a lighter side in correspondence with other EPA officials.

In a cache of emails released to the Sierra Club under the Freedom of Information Act, Wheeler can be seen poking fun last year with Ryan Jackson, currently the chief of staff to Pruitt.

Jackson ribbed Wheeler, writing, "Glad you hate making money." Wheeler's reply: "I really really like money."

Wheeler also showed he can take a joke, even at his own expense (*Greenwire*, June 26).

In one exchange, he poked fun at the idea that he was a "controversial" nominee. At his Nov. 29, 2017, confirmation hearing, Democrats questioned Wheeler about his lobbying for the coal giant Murray Energy Corp.

Later the same day, Jackson sent Wheeler a newspaper story with the headline, "Senate panel advances controversial environmental nominee."

The nominee in the story wasn't Wheeler, but rather Kathleen Hartnett White, President Trump's pick to lead the Council on Environmental Quality.

"I guess this means you're not a controversial nominee. Congratulations," Jackson wrote. Wheeler responded about the headline, "I'm sure he meant to say two."

He's taken down climate legislation in Congress.

During his tenure as a top Senate aide, Wheeler was instrumental in killing bipartisan climate legislation.

He served as staff director for Inhofe, the upper chamber's leading climate skeptic.

And during the George W. Bush administration, Wheeler worked behind the scenes to crush a series of bipartisan cap-and-trade climate bills that came up and landed with a thud, according to aides who worked on the panel with him (*Climatewire*, Oct. 26, 2017).

Chris Hessler, who founded the lobbying firm AJW Inc. and worked with Wheeler on the Senate committee, said his former colleague has always been clear and open about his skeptical views on climate science and desire to protect the economy.

"He's been a faithful representative of his bosses, Inhofe chief among them, but he was also well aligned with their perspective," he said.

He's already in the hot seat

Along with Inhofe, Wheeler has secured allies on Capitol Hill, given his work on the EPW Committee and for the energy industry.

He's also gathering critics such as Sen. Elizabeth Warren (D-Mass.), who vowed to fight his nomination should it occur.

"Andrew Wheeler may not have the same stink of blatant corruption as @EPAScottPruitt — but he's just as dirty. The @EPA's new Acting Director is a former coal lobbyist who will work to poison the agency — and the environment he's supposed to protect — from the inside," Warren tweeted today.

Even so, industry sources who approved of Pruitt's regulatory rollbacks said they hope Wheeler will also deliver — but are wary of pushback from the left, even though Wheeler has worked across the aisle for years.

What's unclear is when or if Trump will make a nomination, given the landscape of his expected next fight: a Supreme Court nominee. Whatever happens, Wheeler's tenure as acting head could be a good test run for administrator, they said.

"He's a known quantity in town; he's already been confirmed," said Thomas Pyle, CEO of the Institute for Energy Research and a former Trump transition official at the Energy Department. "If the Sheldon Whitehouses of the world want to make an issue out of him, they will."

Acting EPA Chief Can't Avoid Conflicts of Interest, Watchdogs Say

<https://news.bloombergenvironment.com/environment-and-energy/acting-epa-chief-cant-avoid-conflicts-of-interest-watchdogs-say>

Posted July 6, 2018, 3:27 PM

By Christopher Flavelle, Bill Allison and Jennifer A. Dlouhy

- Ex-lobbyist recused himself from issues affecting old clients
- But such recusals can be waived, and aren't always enforced

The man tapped to run the Environmental Protection Agency, who worked as an energy lobbyist after nearly two decades in government, has promised to stay away from decisions that affect his old clients. But it might not be that simple.

Ethics watchdogs warn that Andrew Wheeler's commitment to recuse himself is unlikely to be enforced if broken, and can be waived by the very staff that Wheeler now oversees. The result, they say, is that Wheeler's pledge may not count for much.

"The public should be very concerned," Craig Holman, a government affairs lobbyist at the Washington advocacy group Public Citizen, said in a phone interview. "The industries that are being overseen by the Environmental Protection Agency are now in control of the Environmental Protection Agency."

An EPA spokeswoman, Kelsi Daniell, told Bloomberg in June that Wheeler has recused himself from "specific party matters involving former clients" until April 2020. The EPA referred July 6 to its earlier comment and didn't respond to a request for more detail on the recusal process.

Before Wheeler became EPA's deputy administrator in April, he lobbied for companies affected by the agency's policies, including the coal producer Murray Energy Corp., the utility Xcel Energy Inc. and Energy Fuels Inc., a uranium miner. To address any potential conflicts of interest, Wheeler promised EPA ethics officials, as well as the U.S. Office of Government Ethics, that he would "not participate personally and substantially" in matters involving those companies.

That pledge comes with exceptions, though.

Federal ethics laws bar officials from taking part in some decisions that have a financial impact on former employers and clients for one year. Wheeler can take part in general policy matters that affect a broad range of companies including his clients. But he'd have to recuse himself from "particular matters," which could include regulatory decisions affecting a single industry in which he had clients.

Wheeler could also get a waiver from the EPA's ethics office, which issued at least six such waivers in 2017. In some cases, EPA officials would need to inform the Office of Government Ethics. But the OGE lacks the authority to overrule EPA staff about the appropriateness of such waivers.

When Donald Trump became president, he signed an executive order extending the recusal period to two years. Trump's order also banned former lobbyists from participating in specific issue areas in which the particular matters they lobbied on.

For Wheeler, who listed "general energy and environmental issues" on some lobbying disclosures, that could pose a problem, says Scott Amey, general counsel of the Project on Government Oversight, a watchdog group.

“This is going to be a real chore for the EPA ethics office, to get the specifics of what he was actually lobbying on,” Amey said, adding that Wheeler would either need waivers or lists of issues he’ll have to recuse himself from.

But unlike federal ethics laws, it’s not clear how the Trump administration would enforce that executive order were Wheeler to violate it. “I imagine they would push for him to correct the violation and that’s about it,” Amey said.

Wheeler isn’t the first former lobbyist in Trump’s EPA to get a job that gives him power over issues that affect his former clients. Nancy Beck was appointed as the deputy assistant administrator of the EPA’s chemical safety office, despite having previously pressed for less stringent requirements on behalf of the American Chemistry Council and its member companies, including Dow Chemical Co., DuPont Co., and Exxon Mobil Corp.

Since taking the EPA post, Beck has made things easier for industry by revising an Obama-era proposal for prioritizing and evaluating thousands of existing chemicals for their risks.

Beck had permission to tackle chemical safety issues—and general matters involving the council—because she’s technically an “administratively determined” employee who’s exempt from the Trump ethics pledge.

“I’ve never seen myself as an industry person, and I’ve never been a lobbyist,” Beck said in an interview. “I’m a scientist first—and the fact that I have experience working with a trade association and have an understanding of how industry works doesn’t make me any less of a scientist.”

Companies on whose behalf Wheeler lobbied said they didn’t think his previous work creates a conflict.

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Curtis Moore, a spokesman for Energy Fuels, based in Lakewood, Colo., said the company “would expect Mr. Wheeler to follow all applicable laws, rules and regulations concerning any potential conflicts of interest arising from his limited work ” for the company.

Moore added that Wheeler didn’t lobby the EPA on behalf of Energy Fuels, but rather lobbied other agencies, such as the Department of the Interior.

A spokesman for Liquefied Natural Gas Ltd., Micah Hirschfield, said by phone that Wheeler’s firm lobbied for the company in 2015 and 2016, but the company has no “dockets or issues currently in front of the EPA.”

“We do not see potential for any conflict of interest solely based on those facts,” Hirschfield said.

Robert Murray, chief executive officer of Murray Energy, said by email that he’d had no contact with Wheeler since he joined the EPA.

“As such, we are unable to provide any further comment,” Murray said.

—With assistance from Tim Loh and Ryan Collins.

EPA's new chief turned from Trump skeptic to supporter

<https://subscriber.politicopro.com/agriculture/article/2018/07/epas-new-chief-turned-from-trump-skeptic-to-supporter-673046>

Scott Pruitt's replacement as leader of the EPA once dismissed Donald Trump as a "bully" with so-so business skills — the kinds of slights the president rarely forgets.

"[A]s a businessman, he really hasn't been that successful. He is a successful PR person, but not a businessman," Deputy EPA Administrator Andrew Wheeler, then an environmental adviser to Sen. Marco Rubio's presidential campaign, wrote in a now-deleted Facebook post in February 2016. "[H]e has more baggage than all of the other Republican candidates combined."

And, Wheeler wrote at the time, "he is a bully. This alone should disqualify him from the White House."

But Wheeler, a longtime coal industry lobbyist, said he changed his mind about Trump in 2016 after hearing the then-candidate delve into energy issues at a rally and subsequent fundraising dinner that June. And he's been riding the Trump train ever since.

Trump "gave a 40-minute energy speech where he didn't use notes or a teleprompter," Wheeler said in a statement to POLITICO late Thursday. "And as I have stated previously it was the most comprehensive energy speech by a presidential candidate I had ever heard."

Wheeler also wrote \$1,000 checks to both the joint fundraising committee Trump Victory and Donald J. Trump for President on June 30, 2016, according to FEC disclosures.

If Trump is harboring a grudge over the past criticisms, it wasn't evident Thursday, when the president showered Wheeler with praise after tapping him to serve as acting EPA administrator following Pruitt's resignation.

Wheeler "has been with me actually a long time," Trump told reporters on Air Force One. "He was very much an early Trump supporter. He was with us on the campaign. He is a very environmental person. He's a big believer, and he's going to do a fantastic job."

The Washington Post reported on Wheeler's previous criticisms last October, after Trump had nominated him for the No. 2 EPA slot. Wheeler pushed back in October 2017 internal emails with EPA's media relations staff, arguing that "the press had been misrepresenting [Trump's] views" and saying he hadn't focused on Trump before making the comments on Facebook.

Now, people familiar with Wheeler predict he will faithfully pursue the president's aggressive deregulatory agenda — though without the lavish spending and ethical woes that doomed Pruitt.

“Andrew will continue a lot of what Pruitt put in motion,” said Matt Dempsey, a managing director at FTI Consulting who worked with Wheeler on the Hill. “I don’t think you’re going to see a lot of separation there. ... That’s where Andrew’s strong suit comes in, understanding his role in the process.”

Dempsey noted that it’s not unusual for someone to switch candidates during an election cycle. Pruitt, a former Jeb Bush supporter, had once warned that Trump would be “abusive to the Constitution” if elected.

In an op-ed he wrote days after the 2016 election, Wheeler praised Trump's willingness to lay out his energy and environmental beliefs.

“While much of the Trump administration’s environmental policies will be framed by his political appointees, it is important to remember that he did not shy away from taking positions on the major environmental issues during the campaign and his appointees will be expected to follow his direction,” he wrote for Law360.

Wheeler’s Twitter feed shows he strongly supports Republican-led efforts to shrink EPA regulatory authority, and he argued the Paris climate agreement must be ratified as a treaty by the Senate and opposed efforts by the Democratic-led Congress in 2010 to pass comprehensive climate change legislation.

And Wheeler has praised Trump's stances on other topics, retweeting articles backing Trump’s withdrawal from the Iran nuclear agreement, questioning redactions in a report from the House Intelligence Committee on Russia’s election meddling and one titled “The Barack Obama Legacy Deserves To Be Destroyed.”

Many people know Wheeler, who was also a long-time aide to Sen. Jim Inhofe (R-Okla.) at the Environment and Public Works Committee, as someone who will be more skilled than Pruitt was at navigating the bureaucratic hurdles of Washington at implementing policy. And it’s the reason some environmentalists fear he may be better equipped to implement an aggressive deregulatory agenda.

Jeffrey Holmstead, partner at the law firm of Bracewell and a former acting administrator for air at EPA with fossil fuel industry clients, has worked with Wheeler for years on issues before the agency.

“I think we’ll see a much more typical EPA with Andy there. I just don’t think there’s going to be nearly as much press attention, not only in the controversy, but just in terms of the way EPA does its day to day business,” he said.

Wheeler’s been a consistent GOP donor, as well, making contributions to his former boss Inhofe, current EPW Chairman John Barrasso (R-Wyo.), Sen. Rob Portman (R-Ohio) and former Energy and Commerce Chairman Fred Upton (R-Mich.) in recent cycles. Wheeler also gave regularly to the PAC of his former firm, Faegre Baker Daniels.

But those that know him expect Wheeler to bring a decidedly lower-key and less dramatic approach to running the agency where he once worked.

“I am both humbled and honored to take on this new responsibility at the same agency where I started my career over 25 years ago,” Wheeler wrote in [his message](#) to staff following Pruitt’s resignation. “I look forward to working hard alongside all of you to continue our collective goal of protecting public health and the environment on behalf of the American people.”

Wheeler's role in the Washington policy trenches rather than as a political candidate is also shows that he's likely to avoid some of the political scandals that marred Pruitt's tenure.

“I don’t think he has any political ambitions beyond doing this job. He’s not planning to run for office. I don’t think anyone disagrees, Pruitt saw this as a stepping stone for something else and I don’t think Andy has any political ambitions and I think that will be healthy for EPA," Holmstead said.

